

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RODNEY SMITH, LTD.,

Plaintiff,

v.

DOTDASH MEREDITH, INC.,

Defendant.

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Civil Action No.:

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, RODNEY SMITH, LTD. (“RSL” or “Plaintiff”), brings this complaint in the United States District Court for the Southern District of New York against DOTDASH MEREDITH, INC. (“Dotdash” or “Defendant”), alleging as follows:

THE PARTIES

1. RSL is Corporation headquartered in Palisades, New York. Rodney Smith (“Smith”) was an experienced, commercial photographer of over forty-eight years, specializing in portrait and landscape photography. Smith’s distinct style is whimsical, surreal, classical, timeless, romantic, humorous, and serene, blending location, model, and stylist. Smith captured images on film without any retouching. Smith’s work continues to be shown at museums and galleries such as Staley-Wise Gallery, J Paul Getty Museum, National September 11 Museum, Museum of Fine Arts, Boston, and the University of Virginia, Bayley Museum. Smith’s work is sought after by private collectors as well. RSL is the assignee of Smith’s copyrighted photographs.

2. Defendant is a Corporation organized and existing under the laws of the State of New York with its principal place of business located in New York, New York. Defendant’s agent for

service of process is C.T. Corporation System and may be served at: 28 Liberty Street, New York, New York 10005.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because Defendant has maintained sufficient minimum contacts with the State of New York and as a result the exercise of personal jurisdiction over Defendant by this Court would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1400(a) because Defendant or its agent(s) reside or may be found in this district: “A defendant ‘may be found’ in a district in which he could be served with process; that is, in a district which may assert personal jurisdiction over the defendant.”

FACTS

I. The Photographs at Issue in this Lawsuit

6. In March 2011, Smith captured the photograph, “TRU2998037,” (“Copyrighted Photograph 1”) a copy of which is exhibited below:



7. In August 2012, Smith captured the photographs, “MSW-0812- 011 -09 R,” “MSW - 0812-038-03,” “MSW-0812-083-15,” “MSW-0812-091-13,” “MSW-0812-021-02,” “MSW-0812-109-18,” “TRU2998066,” “MSW-0812-070-13,” “MSW-0812-100-14,” “MSW-0812-025-02,” “MSW-0812-078-15,” and “MSW-0812-048-04,” (“Copyrighted Photographs 2-13”) copies of which are exhibited below:







8. In October 2013, Smith captured the photographs, “TRU2997966,” and “TRU2281470,” (“Copyrighted Photographs 14 and 15”) copies of which are exhibited below:



9. Copyrighted Photograph 1 was registered by RSL with the United States Copyright Office on February 8, 2021 (Registration No. VA 2-239-158).

10. Copyrighted Photographs 2, 3, 6, 7, 8, 10, and 12 were registered by RSL with the United States Copyright Office on February 8, 2021 (Registration No. VA 2-239-159).

11. Copyrighted Photographs 4, 5, 9, 11, and 13 were registered by RSL with the United States Copyright Office on June 8, 2023 (Registration No.: VA 2-354-294).

12. Copyrighted Photographs 14 and 15 were registered by RSL with the United States Copyright Office on February 8, 2021 (Registration No.: VA 2-239-160).

13. Plaintiff is the exclusive copyright holder of all copyright rights in and to Copyrighted Photographs. As such, Plaintiff is entitled to institute and maintain this action for copyright infringement. See 17 U.S.C. § 501(b).


II. Defendant's Unlawful Activities

14. Defendant is a media company who owns and operates multiple brands, including but not limited to Martha Stewart and Real Simple.

15. Defendant owns, operates, and is solely responsible for the content posted to its commercial websites, www.marthastewart.com, and www.realsimple.com.

16. Defendant maintains corresponding commercial social media accounts on various platforms. Defendant operates commercial Pinterest accounts under the handles “@MarthaStewart,” “@MarthaStewartLiving,” and “@MarthaStewartWeddings.”

17. Starting on or around September 20, 2018, Defendant copied and posted Copyrighted Photographs to its commercial websites, www.marthastewart.com/7872716/light-as-air-wedding-dresses, www.marthastewart.com/7935108/best-wedding-dress-shopping-tips, www.realsimple.com/work-life/women-irl, www.realsimple.com/ad-tags/carnation, www.realsimple.com/work-life/life-strategies/start-your-day, www.realsimple.com/work-life/life-strategies/life-balance-0, and www.realsimple.com/health/mind-mood/self-help:



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Quarry Days

Crisp with a moonlike sheen, this eminently feminine strapless silk-faille style borrows its sharp, double-breasted bodice from the boys. A smart, wide-brim hat channels Audrey Hepburn's gamine elegance.

Carolina Herrera

"Isolde" gown;

Suzanne Couture Millinery


straw hat;

Assael

earrings;

Tiffany & Co.

ring.



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Outer Space

This versatile ribbed-crepe blouse and flowy, feathery skirt will look airy and ethereal during vow hour and later feel as festive as a flute of Champagne when the clock strikes party.

Honor

blouse;

Kate Spade


"Marybelle" skirt;

Kixlat

earrings and ring; Laurence Decade for

Thakoon

pumps.



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Floral Aura

In true ladylike fashion, the charms of this tea-length alençon-lace frock reveal themselves slowly and with poise. Start by loving the nipped-in waist, then notice the swingy circle-cut skirt and chaste sweetheart bodice.

Justin Alexander gown;
Bellacchio "Lacandere" hat;
Oscar Heyman earrings;
Isabella Trump ring; Alberta Ferretti shoes (300-652-9000).

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Constellation Prize

True, the slinky silhouette of this draped tulle gown harkens back to the 1940s, but its thigh-high slit, atmospheric hue, and twinkling sequined zigzags are hot off today's runways.

Anna Sui for Bhabha "Aguille" gown; Stephen Russell bracelet (212-570-6900); Tiffany & Co. bracelet and ring.

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Branching Out

Cascading organza ruffles and tumbling layers of tulle and lace are the stuff of fairy tales and fantasies. Thanks to a timeless hourglass shape, this gown is firmly rooted in reality.

Yera Wang
Bride gown; A. Link for Forevermark earrings.

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Celestial Studies

A featherweight, pleated tulle underskirt gives this strapless silk-satin number a schoolgirlish charm. And for bonus points? A gossamer peplum provides a flirty wink.

Alberta Ferretti gown (330-652-9009). **Cattier** bracelet and ring.

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Lunar Gaze

Two 21st-century details—convenient, hidden pockets and a skinny, waist-cinching belt—prevent the nebulous swirls of antique lace applique on this mermaid gown from seeming stiff or stodgy. A cone-lather french net fascinator adds a shot of modern whimsy.

Junko Yoshioka "Zarya" gown (available at Mark Ingram Atelier, 212-319-6778); Suzanne Couture Millinery fascinator; Fred Leighton earrings.

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Ripple Effect

Architectural ruching on this silk-gazar gown makes your décolletage (and the killer jewels adorning it) the center of attention, if not the universe.

Rivini by Rita Vinieris "Vionette" gown; Harry Winston "Cluster" earrings, "Cluster" necklace, and ring.

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Zero Gravity

Zip yourself into this cloud of layered tulle, and you won't want to stop moving. Every spin, swoosh, and twirl allows the substratum of pale periwinkle to peek through—the ultimate in “something blue.”

LAGALO

“Wisteria” ball gown;

forevermark

“Center of My Universe” earrings.

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Arch Angel

You could call this silk-fulle gown's peeece de resistance a bow, but that would be like referring to the Hope Diamond as a mere rock. A floor-skimming, softly draped skirt balances the knot's cosmic proportions.

Ruffled Cerrano gown (available at The White Dress, 949-723-0123). De Beers bracelet;

Tiffany & Co.

ring.

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The Best Wedding Dress Shopping Tips

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Do Your Research

Before you hit the shops, think about what kind of dress you want. Pull pages from magazines, browse our [Dress Finder](#), and see our Pinterest boards for ideas. Keep a folder where you can stash tear-outs, fabric samples, and anything else you love, and use your smartphone or tablet to swipe through Pinterest boards. "At most salons, the majority of gowns aren't out on the floor," explains Ingram. "In order to pull the right styles from the back, your consultant needs to get a feel for what you're looking for. The more guidance you can provide, the better!"

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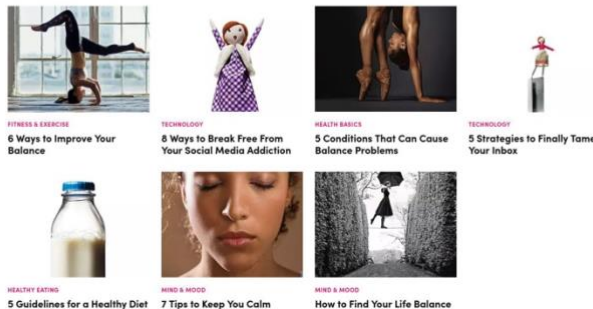


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Achieving Life Balance

Home

Balance or Bust

Our indefatigable woman takes on a marathon research project (a,330 pages of self-help), determined to master life's juggling act—even if it kills her.

By Margarine Ingall

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I'm waiting at the Costco Tire Center for the stupid car to be fixed. I run out of cell-phone battery. My daughter is at a friend's house and calls four times, increasingly panicked about my unreachability. I'm behind schedule on three different work assignments. I need to write several condolence and thank-you notes. I owe e-mails to a dozen people. I haven't found time to exercise in a week. So I eat half a giant bag of Fun Size candy from Costco. As I chew, visions of a more balanced life ping wildly inside my skull. I long to master the clock, to be less vulnerable to the vicissitudes of others, more in charge of my own choices and destiny. I want to feel that I'm on top of my responsibilities while still having room for spontaneity. I want to not feel apart when one element breaks down. I want the satisfaction that comes with managing the needs of others, of commerce, and of self. Is that too much to ask?

Clearly I'm in need of an intervention. And since I already trend toward extremes, I have the brilliant idea of zooming, full speed ahead, to life balance. I will go all in (thus proving beyond a shadow of a doubt my lack of balance), immersing myself for one month in books that promise cures. I will treat the pursuit of balance like cramming for exams. I start by buying every selection on Amazon that offers equisite suggestions and looks as if it's written in semicursive English, determined to deliver the best bits of wisdom, shining like gold nuggets in the dreck that is most self-help writing, to Real Simple readers. I winnow down my stack to seven standouts and dive in, highlighter in hand! Please allow me to share the best advice and techniques from each tome as I walk you through my BalanceQuest.

Day 1

I cannot find the form for an occupational-therapy evaluation for my daughter Maxine. It nestles somewhere in the endless pile of magazines, mail, and random papers that seem to breed like bunnies on the kitchen counter. I know, too, that hidden in there is insurance paperwork, a wedding-reply card, an envelope in which to send money for the classroom watercooler, and a free pass to a museum that I want to rescue before it disappears, like most everything that enters my paper orbit.

I take a page from *The Change Your Life Challenge* (\$15, amazon.com), by Brook Noel. Noel offers up "The Five-Minute Rule": "If something can be done in five minutes or less, do it now! Don't add it to your to-do list. It will take more time and energy to write down, manage, and keep thinking about than it will take to get done." Beginning today I focus on signing every form, RSVPing to every invitation, and paying for every field trip immediately. Abandoning my patented system of leaving papers to fester means that I don't misplace permission slips or sensitive mail. Thus fortified, I forgive Noel the rest of her baroque system, which includes a three-ring binder, two notebooks, 100 index cards, five 9-by-12 envelopes, a yellow highlighter, four self-adhesive clear pouches, and a three-hole punch.

DAILY FINDS

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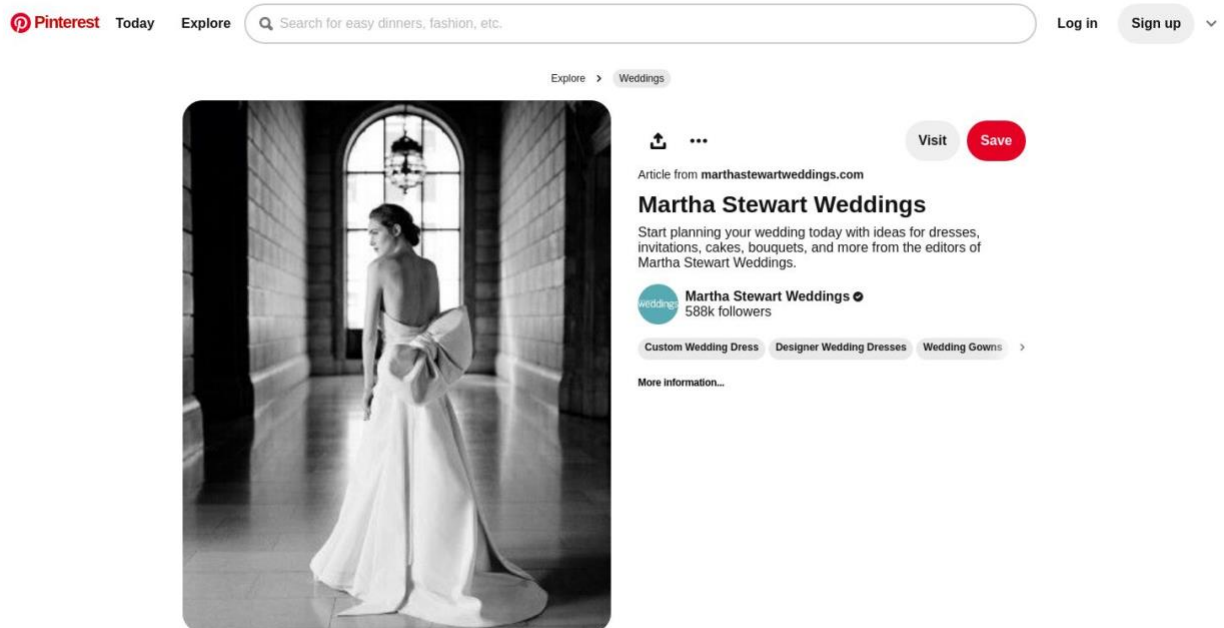
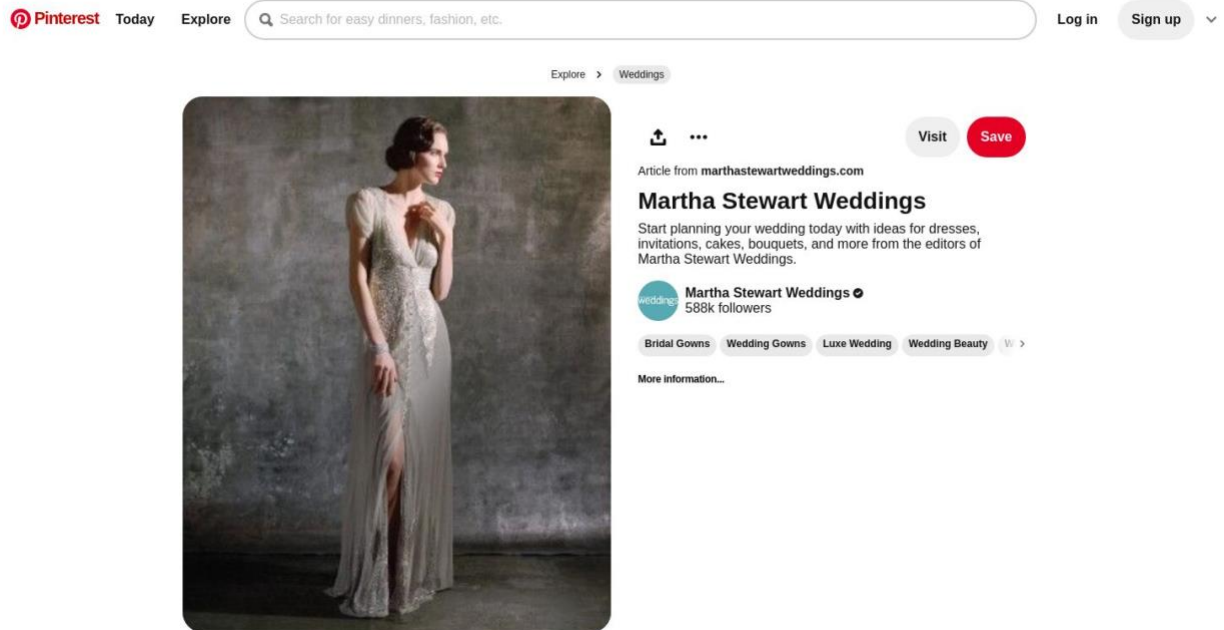
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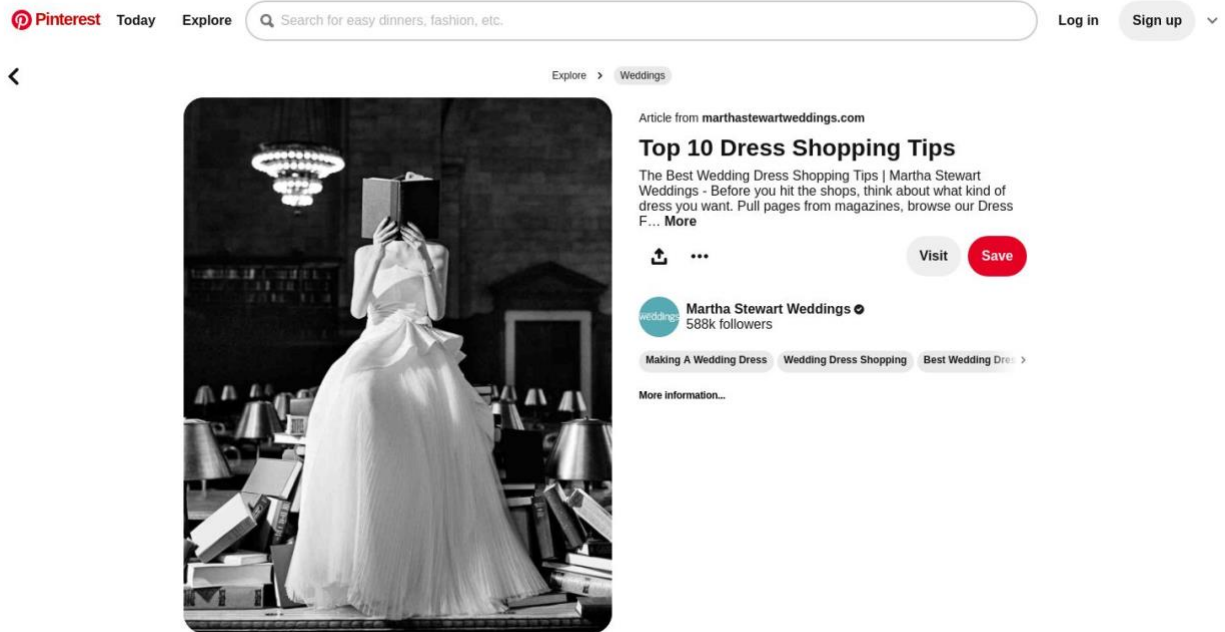
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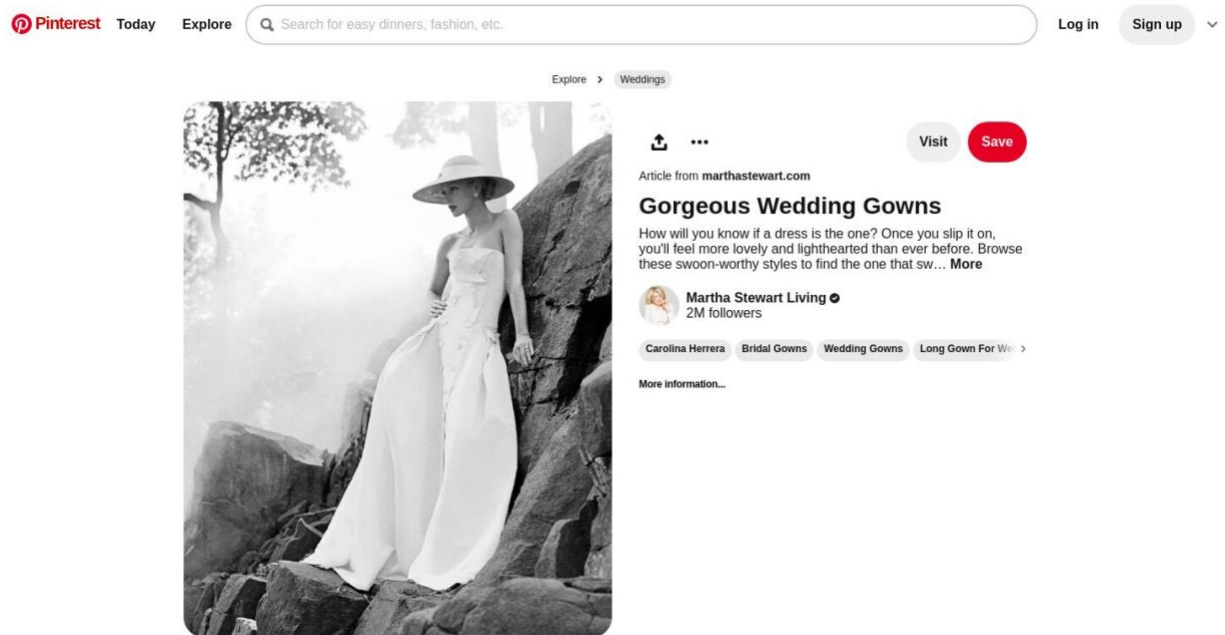
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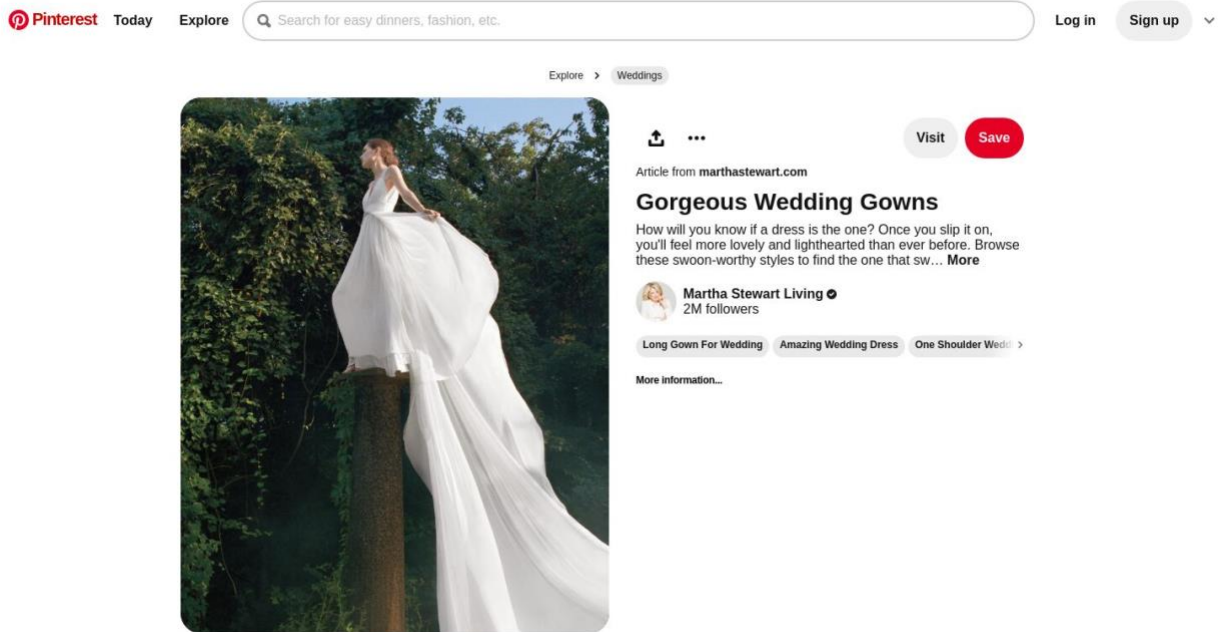
18. As early as March 30, 2014, Defendant copied and posted Copyrighted Photographs to its @MarthaStewartWeddings social media feed, www.pinterest.com/pin/255931191298710502/ and www.pinterest.com/pin/86764730300113123/:





19. On or about June 1, 2021, Defendant copied and posted Copyrighted Photographs to its @MarthaStewart social media feed, www.pinterest.com/pin/474566879493602962/ and www.pinterest.com/pin/474566879493602921/:





20. Defendant is not and has never been licensed to use or display Copyrighted Photographs for use in digital media and social media use.

21. Defendant previously contacted Plaintiff to seek permission to use Copyrighted Photographs 2-13 in connection with its magazine publication, Martha Stewart Weddings, for print use only.

22. Defendant is not and has never been licensed to use Copyrighted Photographs 1, 14, and 15 in any way.

23. Upon information and belief, Defendant located copies of Copyrighted Photographs on the internet and, rather than contact Plaintiff to secure original or additional licenses as needed, simply copied Copyrighted Photographs for its own commercial use.

24. Plaintiff first discovered Defendant's unauthorized use/display of Copyrighted Photographs on June 23, 2022.

25. Following Plaintiff's discovery, Plaintiff notified Defendant in writing of such unauthorized use.

26. To date, Plaintiff has been unable to negotiate a reasonable license for the past infringement of Copyrighted Photographs.

COUNT I: COPYRIGHT INFRINGEMENT

27. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

28. Copyrighted Photographs are original works of authorship, embodying copyrightable subject matter, and therefore subject to the full protection of the United States copyright laws (17 U.S.C. § 101 et seq.).

29. Rodney Smith, Ltd. owns a valid copyright in Copyrighted Photographs, having registered Copyrighted Photographs with the Register of Copyrights.

30. Plaintiff has standing to bring this lawsuit and assert the claim(s) herein as it has sufficient rights, title, and interest to such copyright.

31. Defendant reproduced, distributed, and publicly displayed Copyrighted Photographs without authorization from Plaintiff.

32. By its actions, Defendant infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying Copyrighted Photographs for its own commercial purposes.

33. Defendant's infringement was willful as it acted with actual knowledge or reckless disregard for whether its conduct infringed upon Plaintiff's copyright.

34. Plaintiff has been damaged as a direct and proximate result of Defendant's infringement.

35. Plaintiff is entitled to recover its actual damages resulting from Defendant's unauthorized use of Copyrighted Photographs and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b)),

Plaintiff is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of Copyrighted Photographs, which amounts shall be proven at trial.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in Copyrighted Photographs;
- b. An award of actual damages and disgorgement of profits as the Court deems proper or for infringement of each photograph comprising the Work.
- c. Awarding Plaintiff its costs and (if applicable) reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- d. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- e. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market Copyrighted Photographs or to participate or assist in any such activity; and
- f. For such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: May 27, 2025

The Law Office of David C. Deal, P.L.C.

/s/ David C. Deal

David C. Deal

117 4th Street NE

Charlottesville, VA 22902

Telephone: (434) 261-2704

Email: david@daviddeal.com

Counsel for Plaintiff